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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,013	11/27/2000	Michael H. Coden	100.046US02	6127
34206	7590	06/29/2006	EXAMINER	
FOGG AND ASSOCIATES, LLC P.O. BOX 581339 MINNEAPOLIS, MN 55458-1339			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,013

Applicant(s)

CODEN, MICHAEL H.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-116 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52-108 is/are allowed.
- 6) ☒ Claim(s) 109-111 and 116 is/are rejected.
- 7) ☒ Claim(s) 112-115 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on 4/20/06, PROSECUTION IS HEREBY REOPENED.

A new ground rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 109-110 and 116 rejected under 35 U.S.C. 102(b) as being anticipated by Giancarlo (USP 4768190).

Regarding claims 109 and 116, Giancarlo discloses a method for operating a network of a plurality of ring switches comprising placing data packets on a network (Fig 1, ref Ring 1) containing a plurality of ring switches (Fig 1, Ref 40 is an end point); receiving the data packets from the ring network at a ring-in port of a ring switch of the plurality of ring switches (Fig 6, ref 82 has an ring-in port for receiving data packets from the ring 30); switching the data packets that are destined for a network device associated with at least one local port of the ring switch to the at least one local port of the ring switch (col. 7, lines 62-68, if the packet is belong to a node that coupled to local port, Fig 3, Ref 90, the packet is forwarded to the received buffer 84); and transmitting the data packets that are not destined for a network device associated with the at least one local port of the ring switch from a ring-out port of the ring switch of the plurality of ring switches to another ring switch of the plurality of ring switches (col. 7, lines 13-41, if the address of the packet does not belong to the endpoint, the packet is forwarded to the ring-out port via pass through buffer and output register onto the ring network).

Regarding claim 110, Giancarlo discloses receiving and transmitting the data packets are done without use of a token or encapsulating the data packets (Fig 3, the packets are received and transmitted without use of token or encapsulating).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 111 rejected under 35 U.S.C. 103(a) as being unpatentable over Giancarlo in view of Tojima (USP 4996524).

Regarding claim 111, Giancarlo fails to disclose ring-in and ring-out ports are single bi-directional ring switch port. However, in the same field of endeavor, Tojima discloses a port of ring switch being a bi-directional port (Fig 3, Ref 37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a bi-directional port as disclosed by Tojima's system into the teaching of Giancarlo. The motivation would have been to reduce the cost of the system by integrating the ring-in and ring-out link together.

Allowable Subject Matter

6. Claims 52-108 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 52, 61, 67, 71, 73, 75, 77, 80, 83, 86, 93, the prior arts fail to disclose or make obvious to a ring network comprising a plurality of ring switches, each ring switch comprising at least one ring port and at least one local port and a table for tracking or self-learning the addresses of the devices that associated with each port of the ring switch; the ring switch used the table to switch the data packet around the ring and to local port of ring switch within a structure of the claims.

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8. Claim 112-115 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cioli (USP 6510151) discloses a ring network includes a plurality of ring switches, wherein each ring switch includes a table for tracking the address of the network devices of the ring switch and using this table to filter the packets that do belong local port.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven HD Nguyen
Primary Examiner
Art Unit 2616
June 22, 2006



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER